

amendment could not be incorporated because those paragraphs are stayed.

§ 80.82 Butane blending.

A refiner for any refinery that produces gasoline by blending butane with previously certified gasoline (PCG) may meet the sampling and testing requirements for this part as follows:

(a) Except as provided in paragraphs (e) and (i) of this section, any refinery that blends butane for which the refinery has documents from the butane supplier which demonstrate that the butane is commercial grade, as defined in paragraph (c) of this section, may demonstrate compliance with the standards in this part based on the properties specified in paragraph (c) of this section, or the properties specified by the butane supplier.

(b)(1) Except as provided in paragraphs (e) and (i) of this section, any refiner that blends butane for which the refiner has documents from the butane supplier which demonstrate that the butane is non-commercial grade, as defined in paragraph (d) of this section, may demonstrate compliance with the standards in this part based on the properties specified in paragraph (d) of this section, or the properties specified by the butane supplier, provided that the refinery—

(i) Conducts a quality assurance program of sampling and testing the butane obtained from each separate butane supplier which demonstrates that the butane has the properties specified in paragraph (d) of this section; and

(ii) The frequency of sampling and testing for the butane received from each butane supplier must be one sample for every 500,000 gallons of butane received, or one sample every three months, whichever is more frequent.

(2) Where test results indicate the butane does not meet the requirements in paragraph (b)(1) of this section, the refiner may—

(i) Blend the butane with conventional gasoline, or reformulated gasoline that has been downgraded to conventional gasoline, provided the equivalent emissions performance of the butane batch, as determined using the provisions in § 80.101(g)(3), meets the refinery's standards under § 80.101 and the refiner meets all of the standards and

requirements applicable to refiners of conventional gasoline under this part;

(ii) Blend the butane with reformulated gasoline or RBOB, provided that the final batch of butane blended with reformulated gasoline or RBOB meets the applicable per-gallon standards in § 80.41(e), as determined using the test methods in § 80.46 or § 80.47, as applicable.

(c) Commercial grade butane is defined as butane for which test results demonstrate that the butane is 95% pure and has all the following properties:

(1) Olefins ≤ 1.0 vol%.

(2) Aromatics ≤ 2.0 vol%.

(3) Benzene ≤ 0.03 vol%.

(4) Sulfur ≤ 30 ppm from January 1, 2005 through December 31, 2016; ≤ 10 ppm beginning January 1, 2017 and thereafter.

(d) Non-commercial grade butane is defined as butane for which test results demonstrate the butane has all the following properties:

(1) Olefins ≤ 10.0 vol%.

(2) Aromatics ≤ 2.0 vol%.

(3) Benzene ≤ 0.03 vol%.

(4) Sulfur ≤ 30 ppm beginning January 1, 2005 through December 31, 2016; ≤ 10 ppm beginning January 1, 2017 and thereafter.

(e)(1) When butane is blended with conventional gasoline under this section during the period May 1 through September 15, the refiner shall demonstrate through sampling and testing, using the test method for Reid vapor pressure in § 80.46 or § 80.47, as applicable, that each batch of conventional gasoline blended with butane meets the volatility standards specified in § 80.27.

(2) Butane may not be blended with any reformulated gasoline or RBOB during the period April 1 through September 30, or with any reformulated gasoline or RBOB designated as VOC-controlled, under this section.

(f) When butane is blended with previously certified gasoline under this section, product transfer documents which accompany the gasoline blended with butane must comply with all of the requirements of § 80.77 or § 80.106, as appropriate.

(g) Butane blended with previously certified gasoline during a period of up

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to one month may be included in a single batch for purposes of reporting to EPA, however, commercial grade butane and non-commercial grade butane must be reported as separate batches.

(h) Where a refiner chooses to include butane blended with gasoline in the refinery's annual average compliance calculations—

(1) In the case of butane blended with conventional gasoline, the equivalent emissions performance of the butane must be calculated in accordance with the provisions of § 80.101(g)(3). For purposes of this paragraph (h)(1), the property values in § 80.82(c) or (d), as appropriate, may be used;

(2) In the case of butane blended with reformulated gasoline or RBOB, compliance with the reformulated gasoline standards may not be demonstrated using the provisions of this section;

(3) All butane blended into gasoline during the annual averaging period must be included in annual average compliance calculations for the refinery.

(i) A refiner who only blends commercial grade or non-commercial grade butane into PCG may meet the sampling and testing requirements of this part by meeting the requirements of paragraphs (a) through (f) and (h)(3) of this section and all the following additional requirements:

(1) The per-gallon sulfur content of every batch of butane must not exceed 30 ppm from January 1, 2005 through December 31, 2016, and 10 ppm beginning January 1, 2017 and thereafter.

(2) The refiner obtains test results from the butane supplier that demonstrate that the sulfur content of each load does not exceed the applicable per-gallon sulfur standard under paragraph (i)(1) of this section through test results of samples of butane contained in the storage tank from which the butane blender is supplied.

(i) Sampling and testing for the sulfur content of the butane by the supplier must be subsequent to each receipt of butane into the supplier's storage tank or the sampling and testing must be immediately before transfer of butane to the butane blender.

(ii) The testing must be performed in accord with the provisions of § 80.46, § 80.47, or other test methods as ap-

proved by the Administrator as applicable.

(iii) The butane blender must obtain a copy of the butane supplier's test results at the time of each transfer of butane to the butane blender.

(3) The sulfur content and volume of each batch of gasoline produced is that of the butane that the refiner blends into PCG for the purposes of calculating compliance with the applicable per-gallon sulfur standard.

(4) The requirements of paragraphs (i)(1) through (3) of this section apply regardless of whether the butane is commercial grade or non-commercial grade.

(5) The quality assurance testing requirement of paragraph (b)(1) of this section applies regardless of whether the butane is commercial grade or non-commercial grade.

(6) If any of the requirements of this paragraph (i) are not met, in whole or in part for any butane blended into gasoline, that butane is deemed in violation of the gasoline standards in § 80.1603(a).

(j) The PCG procedures of § 80.1640 may be used to meet the sampling and testing requirements of subpart O of this part.

[79 FR 23644, Apr. 28, 2014]

§ 80.83 Renewable oxygenate requirements.

(a) *Definition of renewable oxygenate.* For purposes of subparts D and F of this part, renewable oxygenate is defined as provided in this paragraph (a).

(1) In the case of oxygenate added to reformulated gasoline or RBOB that is not designated as VOC-controlled or that is not subject to the additional requirements associated with an extended non-commingling season pursuant to § 80.83(i), renewable oxygenate shall be:

(i) An oxygenate that is derived from non-fossil fuel feedstocks; or

(ii) An ether that is produced using an oxygenate that is derived from non-fossil fuel feedstocks.

(2) In the case of oxygenate added to reformulated gasoline or RBOB that is designated as VOC-controlled or that is subject to the additional requirements associated with an extended non-commingling season pursuant to § 80.83(i),